

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID WILKES,
Plaintiff,

v.

SAN FRANCISCO SHERIFF'S
DEPARTMENT, et al.,
Defendants.

Case No. [18-cv-05607-JD](#)

ORDER DENYING MOTION

Re: Dkt. No. 8

On September 13, 2018, plaintiff filed a pro se civil rights complaint pursuant to 42 U.S.C. § 1983. At that time, plaintiff was detained at the San Francisco County Jail at 850 Bryant Street. Docket No. 1-1 at 1; 1-2 at 1. On November 28, 2018, the complaint was dismissed with leave to amend to provide more information. The order was sent to plaintiff's address at 850 Bryant Street. Docket No. 4 at 4. That order also noted that it was plaintiff's responsibility to prosecute this case and keep the Court informed of any address change. Docket No. 4 at 3. That order was not returned to the Court as undeliverable. On January 14, 2019, the action was dismissed for failure to file an amended complaint as plaintiff had failed to file an amended complaint or otherwise communicate with the Court. Docket No. 7. That order was also not returned to the Court as undeliverable.

On March 11, 2019, plaintiff, now represented by counsel, filed an administrative motion to consolidate this matter with a pending class action, *Zayas, et al., v. City and County of San Francisco*, Case No. 18-06155 JCS. Plaintiff asserts that these suits involve common issues of law and fact, and he wishes to be represented by counsel in the pending class action. Plaintiff has also filed a written consent to magistrate judge jurisdiction.

1 However, this case is closed. No motion for relief from a judgment has been filed, nor has
2 an amended complaint been filed as set forth in the order of dismissal with leave to amend.
3 Plaintiff states that he never received the orders from the Court. He contends that at some
4 time in September 2018, shortly after filing this case, he was moved from the 850 Bryant
5 St. location to a different jail and then was later released from custody. It was plaintiff's
6 responsibility to update the Court as to his change of address and there is no information
7 why he failed to update the Court when he moved jails or was released. Plaintiff has filed
8 seventeen cases in this Court and is well aware of his responsibility to keep the Court
9 updated on his address and that after filing a new complaint the Court will provide a
10 response. For all these reasons, plaintiff's motion to consolidate this closed case (Docket
11 No. 8) is **DENIED**.

12 **IT IS SO ORDERED.**

13 Dated: April 17, 2019

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JAMES DONATO
United States District Judge